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J. L. M. 3  
Docket No.: M4065.0319/P319  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ronald A. Weimer, et al.

Application No.: 09/296,835

Group Art Unit: 2813

Filed: April 22, 1999

Examiner: E. Kielin

For: FABRICATION OF DRAM AND OTHER  
SEMICONDUCTOR DEVICES WITH AN  
INSULATING FILM USING A WET  
RAPID THERMAL OXIDATION PROCESS

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In response to the election/restriction requirement set forth in the Office Action mailed May 1, 2002 (Paper No. 28), Applicants provisionally elect Group II, claims 2-5, 8, 10-12, and 42-44 for continued examination with traverse.

Applicants' election as to the election/restriction requirement is made with traverse. MPEP § 803 provides that "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." As acknowledged by the last Office Action, claims 2-5, 8, 10-12 and 42-44 are directed to a method of fabricating an oxygen-deficient dielectric film with a high dielectric constant, while claim 41 is directed to a method of fabricating a silicon nitride film, which is a particular example of an oxygen-deficient dielectric film with a high dielectric constant. Thus, all claims 2-5, 8, 10-12 and 41-44 define closely related subject matter that can be examined without serious burden.

In addition, Applicants note that independent claim 41 of Group I is defined off the corresponding generic claim 8 of Group II. Accordingly, as the inventions are not independent and upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146. For at least these reasons, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 2-5, 8, 10-12, and 42-44 presently pending in this application be examined.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: May 30, 2002

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

Gabriela I. Coman

Registration No.: 50,515

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants